

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi Commission on Environmental Quality Mississippi Department of Environmental Quality		CONTACT PERSON Ted Lampton		TELEPHONE NUMBER 601-961-5573	
ADDRESS P.O. Box 2261		CITY Jackson		STATE MS	ZIP 39225
EMAIL Ted_Lampton@deq.state.ms.us	SUBMIT DATE: 12-14-11	Name or number of rule(s): "Regulations for the Prevention of Significant Deterioration of Air Quality", APC-S-5			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The amendments to APC-S-5 involve the adoption, by reference, of amendments to relevant portions of federal regulations as promulgated in 40 CFR Parts 51.166 and 52.21 in order to make the state Prevention of Significant Deterioration of Air Quality (PSD) permitting program consistent with federal requirements. Specifically, the proposed amendments will incorporate, by reference, federal provisions relating to the Deferral for CO₂ Emissions from Bioenergy and Other Biogenic Sources under the Prevention of Significant Deterioration (PSD) and Title V Programs Rule as promulgated by the Environmental Protection Agency (EPA) on July 20, 2011 (76 FR 43490).

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §§49-2-9(1)(b) and 49-17-17 (Rev.2003)
List all rules repealed, amended, or suspended by the proposed rule: APC-S-5

ORAL PROCEEDING:

☒ An oral proceeding was held for this rule on: Date: December 6, 2011, Time: 3:30 p.m., Place: Mississippi Department of Environmental Quality, 515 E. Amite St., Jackson, Mississippi 39201

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☒ Economic impact statement not required for this rule. ☐ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: <u>Nov. 4, 2011</u> Action taken: <input checked="" type="checkbox"/> Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Theodore D. Lampton, III, Senior Attorney

Signature of person authorized to file rules: Ted Lampton

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	<div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	<div style="border: 1px solid black; padding: 10px; text-align: center;"> </div> Accepted for filing by

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.